

SERVED : July 10, 1992

NTSB Order No. EA-3619

UNITED STATES OF AMERICA  
NATIONAL TRANSPORTATION SAFETY BOARD  
WASHINGTON, D.C.

Adopted by the NATIONAL TRANSPORTATION SAFETY BOARD  
at its office in Washington, D.C.  
on the 6th day of July, 1992

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BARRY LAMBERT HARRIS,  
Acting Administrator,  
Federal Aviation Administration,

Complainant,

Docket SE-9983

v.

JAMES R. HITCHCOCK,

Respondent.

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**ORDER DENYING RECONSIDERATION**

Respondent has appealed our order, NTSB Order EA-3148, in which we dismissed his appeal in this proceeding for failure timely to file a brief.<sup>1</sup> In that decision, we noted the lack of any showing that the failure to file a brief was excusable for good cause shown. We deny the appeal.

Respondent counters that he had good cause in not filing a timely brief because the Administrator had filed a motion to dismiss. Arguably, the filing of a brief, while that motion was pending, would not have been sensible.

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<sup>1</sup>Respondent terms his appeal "Opposition to Order Dismissing Appeal." Our rules, at 49 C.F.R. 821.50, authorize the filing of petitions for rehearing, reargument, reconsideration or modification. As did the Administrator, we will treat the petition as one for reconsideration.

Respondent ignores the fact that extensions of time are available for good cause. 49 C.F.R. 821.11. He made no attempt to obtain such an extension, and offers no support for his implicit position that an extension in this case was unnecessary. In the circumstances, good cause has not been shown.<sup>2</sup>

ACCORDINGLY , IT IS ORDERED THAT:

Respondent's petition is denied.

COUGHLIN, Acting Chairman, LAUBER, KOLSTAD, HART, and HAMMERSCHMIDT , Members of the Board, concurred in the above order.

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<sup>2</sup>We would add that respondent's reasons for late-filing his notice of appeal are also inadequate to constitute good cause. See, e.g., Administrator v. Hamilton, NTSB Order EA-3496 (1992) at n. 4, ("Counsel is expected to know and abide by procedural deadlines, and is responsible for actions of his staff").